

REMARKS

Claims 1, 10, 13, 22 and 32-35 were examined. Claims 36-39 are newly presented.

Claims 1, 10, 13, 22 and 32-39 are therefore pending.

Applicants set forth in the following table the disclosure in the parent application 09/339,702 (U.S. Patent 6,206,571; hereinafter “the ‘702 Application” or “the ‘571 Patent”) of the subject matters of Claims 1, 10, 13, 22 and 32-39:

Pending Claims of the Present Application	Disclosure in the ‘702 Application
1. A reclosable bag for storing material, comprising:	Figs. 18 and 19 each show a reclosable bag 10 for storing material. (Elements 24 is a reclosable fastener; col. 7, lines 30-38)
A top end and a bottom end for resting the reclosable bag upright;	Figs. 18 and 19 each show top end 32 and bottom end 16 for resting the reclosable bag 10 upright (also, col. 7, lines 30-38);
first and second side edges on opposite sides of the reclosable bag, each extending between the top and bottom ends, wherein the first side edge is substantially straight and has a non-gusseted portion that is proximate located near the top end, the first side edge being substantially perpendicular to and longer than the bottom end, and	Figs. 18 and 19 each show first and second side edges 28, 12 on opposite sides of the reclosable bag, each extending between top end 32 and bottom end 16, wherein the first side edge 28 is substantially straight and has a non-gusseted portion (where tear strip 20, reclosable fastener 24 are located) that is proximate located near top end 32, the first side edge 28 being substantially perpendicular to and longer than the bottom end 16 (see also, col. 7, lines 30-38), and
A pour spout located along the non-gusseted portion and oriented substantially parallel to the first side edge, the pour spout having a reclosable fastener which provides access to a reclosable opening and which includes either a zipper or a slider, the reclosable opening being substantially vertical when the reclosable bag is placed in a generally upright position.	Figs. 18 and 19 each show pour spout (the area where tear strip 20, reclosable fastener 24 are located) located along the non-gusseted portion and oriented substantially parallel to the first side edge 28, the pour spout having a reclosable fastener 24 which provides access to a reclosable opening and which includes either a zipper or a slider (col. 5, lines 15-18), the reclosable opening being substantially vertical when the reclosable bag

	10 is placed in a generally upright position. (see also, col. 7, lines 30-38)
10. The reclosable bag of claim 1 wherein the bag further includes a sealed portion proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.	Figs. 18 and 19 each further shows that the bag further includes a sealed portion 32 proximate to the top end 32 (col. 7, lines 16-20), the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.
13. A self-supporting reclosable bag for storing material, comprising:	Figs. 18-19 each show a self-supporting reclosable bag 10 for storing material,
A top end; a bottom end for supporting the bag in a generally upright position;	Figs. 18 and 19 each show top end 32 and bottom end 16 for supporting the reclosable bag 10 upright (see, also, col. 7, lines 30-38);
first and second side edges on opposite sides of the reclosable bag each extending between the top and bottom ends, the first side edge (a) being substantially straight, (b) having a non-gusseted portion located proximate to the top end and (c) being substantially perpendicular to and longer than the bottom end; and	Figs. 18 and 19 each show first and second side edges 28 and 32 on opposite sides of the reclosable bag 10 each extending between the top end 32 and bottom end 16, the first side edge 28 (a) being substantially straight, (b) having a non-gusseted portion (where tear strip 20 and reclosable fastener 24 are located); located proximate to the top end 32 and (c) being substantially perpendicular to and longer than the bottom end 16 (see also, col. 7, lines 30-38)
A reclosable fastener provided over a reclosable opening located proximate to the top end, being closer to the top end than to the bottom end and being substantially vertical when the bag is placed in the generally upright position, the reclosable fastener including a zipper or a slider, and	Figs. 18 and 19 each show a reclosable fastener 28 provided over a reclosable opening located proximate to the top end 32, being closer to the top end than to the bottom end and being substantially vertical when the bag 10 is placed in the generally upright position, the reclosable fastener 24 including a zipper or a slider (col. 5, lines 15-18) (see also, col. 7, lines 30-38)
A pour spout located along the non-gusseted portion of the first side edge.	Figs. 18 and 19 each show a pour spout located along the non-gusseted portion (where tear strip 20 and reclosable fastener 24 are located) of the first side edge. (see also, col. 7, lines 30-38)
22. The reclosable bag of claim 13	Figs. 18 and 19 each further shows that

wherein the bag further includes a sealed portion proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.	the bag 10 further includes a sealed portion proximate to the top end 32 (col. 7, lines 16-20), the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout. (see also, col. 7, lines 30-38)
32. The reclosable bag of claim 1 wherein the pour spout further includes a tear strip proximate to the reclosable fastener.	Figs 18 and 19 each show that the pour spout further includes a tear strip 20 proximate to the reclosable fastener 24. (see also, col. 7, lines 30-38)
33. The reclosable bag of claim 13 wherein the bag further comprises a tear strip proximate to the reclosable opening.	Figs 18 and 19 each show that the pour spout further includes a tear strip 20 proximate to the reclosable fastener 24. (see also, col. 7, lines 30-38)
34. The reclosable bag of Claim 1, wherein the first side edge forms an acute included angle with the top end.	Fig. 19 shows the first side edge 28 forms an acute included angle with the top end 32. (see also, col. 7, lines 36-38)
35. The reclosable bag of Claim 13, wherein the first side edge forms an acute included angle with the top end.	Fig. 19 shows the first side edge 28 forms an acute included angle with the top end 32. (see also, col. 7, lines 36-38)
36. (New) The reclosable bag of Claim 1, wherein the top end is sealed.	Figs. 18 and 19 each show sealed top end 32 of bag 10 (also, col. 7, lines 14-20);
37. (New) The reclosable bag of Claim 1, wherein the bottom end is sealed.	Figs. 18 and 19 each show sealed bottom end 16 of bag 10 (also, col. 4, lines 33-37);
38. (New) The reclosable bag of Claim 13, wherein the top end is sealed.	Figs. 18 and 19 each show sealed top end 32 of bag 10 (also, col. 7, lines 14-20);
39. (New) The reclosable bag of Claim 13, wherein the bottom end is sealed.	Figs. 18 and 19 each show sealed bottom end 16 of bag 10 (also, col. 4, lines 33-37);

Accordingly, Applicants submit that Claims 1, 10, 13, 22 and 32-39 are entitled to the filing date of June 24, 1999 by virtue of the claimed priority under 35 U.S.C. § 120 of the '702 Application.

Applicants hereby submit (a) Declaration under 37 C.F.R. § 1.131 by inventor Alan D. Olin and (b) Declaration under 37 C.F.R. § 1.131 by Mr. M. Mahmoudian (collectively, "the Declarations"). In the Declarations, Mr. Olin and Mr. Mahmoudian refer to a 4-page document ("the Invention Disclosure"), a copy of which is attached hereto as Exhibit A. The Invention Disclosure includes 16 different bag designs, numbered 1-16. Mr. Olin points out in his declaration that bag designs 15 and 16 are incorporated into the '702 Application as Figs. 18 and 19.

The following table shows that the subject matters of Claims 1, 10, 13, 22 and 32-35 are disclosed in bag designs 15 and 16 of the Invention Disclosure:

<u>Pending Claims of the Present Application</u>	<u>Bag Designs 15 and 16</u>
1. A reclosable bag for storing material, comprising:	Bag designs 15 and 16 each show a reclosable bag for storing material. (Elements A is a reclosable fastener)
A sealed top end and a sealed bottom end for resting the reclosable bag upright;	Bag designs 15 and 16 each show a sealed top end and a sealed bottom end for resting the reclosable bag upright;
first and second side edges on opposite sides of the reclosable bag, each extending between the top and bottom ends, wherein the first side edge is substantially straight and has a non-gusseted portion that is proximate located near the top end, the first side edge being substantially perpendicular to and longer than the bottom end, and	Bag designs 15 and 16 each show first and second side edges on opposite sides of the reclosable bag, each extending between the top end and the bottom end, wherein the first side edge is substantially straight and has a non-gusseted portion (where tear strip D reclosable fastener A are located) that is proximate located near top end, the first side edge being substantially perpendicular to and longer than

	the bottom end;
A pour spout located along the non-gusseted portion and oriented substantially parallel to the first side edge, the pour spout having a reclosable fastener which provides access to a reclosable opening and which includes either a zipper or a slider, the reclosable opening being substantially vertical when the reclosable bag is placed in a generally upright position.	Bag designs 15 and 16 each show pour spout (the area where tear strip D, reclosable fastener A are located) located along the non-gusseted portion and oriented substantially parallel to the first side edge, the pour spout having a reclosable fastener D which provides access to a reclosable opening and which includes either a zipper or a slider (as known in the prior art), the reclosable opening being substantially vertical when the reclosable bag is placed in a generally upright position.
10. The reclosable bag of claim 1 wherein the bag further includes a sealed portion proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.	Bag designs 15 and 16 each further shows that the bag further includes a sealed portion C proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.
13. A self-supporting reclosable bag for storing material, comprising:	Bag designs 15 and 16 each show a self-supporting reclosable bag for storing material,
A sealed top end; a sealed bottom end for supporting the bag in a generally upright position;	Bag designs 15 and 16 each show a sealed top end and a sealed bottom end for supporting the reclosable bag upright;
first and second side edges on opposite sides of the reclosable bag each extending between the top and bottom ends, the first side edge (a) being substantially straight, (b) having a non-gusseted portion located proximate to the top end and (c) being substantially perpendicular to and longer than the bottom end; and	Bag designs 15 and 16 each show first and second side edges and on opposite sides of the reclosable bag each extending between the top end and bottom end, the first side edge (a) being substantially straight, (b) having a non-gusseted portion (where tear strip D and reclosable fastener A are located); located proximate to the top end and (c) being substantially perpendicular to and longer than the bottom end.
A reclosable fastener provided over a reclosable opening located proximate to the top end, being closer to the top end than to the bottom end and being substantially vertical when the bag is placed in the generally upright position, the reclosable fastener including a	Bag designs 15 and 16 each show a reclosable fastener A provided over a reclosable opening located proximate to the top end, being closer to the top end than to the bottom end and being substantially vertical when the bag is placed in the generally upright

zipper or a slider, and	position, the reclosable fastener A including a zipper or a slider (as known in the prior art)
A pour spout located along the non-gusseted portion of the first side edge.	Bag designs 15 and 16 each show a pour spout located along the non-gusseted portion (where tear strip D and reclosable fastener A are located) of the first side edge.
22. The reclosable bag of claim 13 wherein the bag further includes a sealed portion proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.	Bag designs 15 and 16 each further shows that the bag further includes a sealed portion C proximate to the top end, the sealed portion assisting in directing the material so as to increase control over flow of the material through the pour spout.
32. The reclosable bag of claim 1 wherein the pour spout further includes a tear strip proximate to the reclosable fastener.	Bag designs 15 and 16 each show that the pour spout further includes a tear strip D proximate to the reclosable fastener A
33. The reclosable bag of claim 13 wherein the bag further comprises a tear strip proximate to the reclosable opening.	Bag designs 15 and 16 each show that the pour spout further includes a tear strip D proximate to the reclosable fastener A.
34. The reclosable bag of Claim 1, wherein the first side edge forms an acute included angle with the top end.	Bag design 16 shows the first side edge forms an acute included angle with the top end.
35. The reclosable bag of Claim 13, wherein the first side edge forms an acute included angle with the top end.	Bag design 16 shows the first side edge forms an acute included angle with the top end
36. (New) The reclosable bag of Claim 1, wherein the top end is sealed.	Bag designs 15 and 16 each show sealed top end 32 of bag 10 (also, col. 7, lines 14-20);
37. (New) The reclosable bag of Claim 1, wherein the bottom end is sealed.	Bag designs 15 and 16 each show sealed bottom end 16 of bag 10 (also, col. 4, lines 33-37);
38. (New) The reclosable bag of Claim 13, wherein the top end is sealed.	Bag designs 15 and 16 each show sealed top end 32 of bag 10 (also, col. 7, lines 14-20);
39. (New) The reclosable bag of	Bag designs 15 and 16 each show sealed bottom end 16 of bag 10 (also, col. 4,

Claim 13, wherein the bottom end is sealed.	lines 33-37);
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In the Declarations, Mr. Olin and Mr. Mahmoudian both testify that the Invention Disclosure existed as early as January 27, 1999. Thus, based on the table above, an invention date for each of Claims 1, 10, 13, 22 and 32-39 has been established to be at least as early as January 27, 1999.

The Examiner rejected Claims 1, 10, 13, 22 and 32-35 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent 11-59701 (“Nakagome”), in view of U.S. Patent 6,007,246 (“Kinigakis”). Nakagome was laid open on March 2, 1999, less than 4 months prior to the filing date of June 24, 1999 of Claims 1, 10, 13, 22 and 32-35. However, because the Declaration established that the invention date for each of Claims 1, 10, 13, 22 and 32-35 to be at least as early as January 27, 1999, Nakagome is disqualified as a reference for these claims by “swearing back.” Accordingly, Applicants submit that Claims 1 and 13 and their respective dependent Claims 10, 22 and 31-35 are allowable. Reconsideration and allowance of Claims 1, 10, 13, 22 and 32-35 are therefore requested.

For the reasons set forth above, all claims (i.e., Claims 1, 10, 13, 22, and 32-39) are now believed to be in condition for allowance. If the Examiner has any questions regarding the above, the Examiner is requested to call Applicants' attorney at 408-660-4149.

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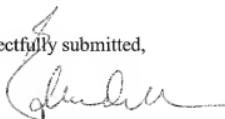


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